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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,639	02/13/2004	Peter L. Lansing	12478/4	5384

23838 7590 05/23/2005

KENYON & KENYON
1 BROADWAY
NEW YORK, NY 10004

EXAMINER

CARTER, MONICA SMITH

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,639

Applicant(s)

LANSING, PETER L.

Examiner

Monica S. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Elements "235a", "435b" and 520a could not be located in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings were received on September 30, 2004. These drawings are approved.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zapawa ('816) in view of Moeller et al. ('943).

Zapawa discloses a protective ticket holder comprising a first sheet of material (the sheet 82 having element "81" pointing to it); a second sheet of material (82 – located in front of the other sheet 82) fastened to the first sheet (see col. 5, lines 32-34), the first and second sheets forming a pocket (insert 83 is received in the pocket formed by sheets 82) to removably hold a document (83); an identification holder (40) configured to receive a personal identification document and fastened to the pocket by a pressure sensitive adhesive (88) (as seen in figures 5 and 9).

Zapawa discloses the claimed invention except for explicitly disclosing the identification holder being removably fastened to the pocket.

Moeller et al. disclose that it is known in the art of binding that pressure sensitive adhesives may be permanent, removable or repositionable (see col. 4, lines 21-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Zapawa's invention to include the pressure sensitive adhesive being removable for removably fastening the identification holder to the pocket, as taught by Moeller et al., so that the identification holder can be easily separated from the ticket holder to be presented for identification verification.

Regarding claim 2, Zapawa, as modified by Moeller et al., disclose the second sheet being fastened by three edges to form the pocket (see col. 5, lines 32-34).

Regarding claim 3, Zapawa, as modified by Moeller et al., discloses the claimed invention except for the material being paper. It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to provide any required material for the sheets as deemed necessary by the end user, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. *In re Leshin*, 125 USPQ 416. Furthermore, applicant has failed to disclose that the type of material used for the sheets is critical to the invention.

Regarding claim 4, Zapawa, as modified by Moeller et al., discloses the material of at least one of the first and second sheets is plastic (see col. 4, lines 10-12 and 30-32).

Regarding claim 5, Zapawa, as modified by Moeller et al., disclose the claimed invention except for the material being leather. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any required material for the sheets as deemed necessary by the end user, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. *In re Leshin*, 125 USPQ 416. Furthermore, applicant has failed to disclose that the type of material used for the sheets is critical to the invention.

Regarding claim 6, Zapawa, as modified by Moeller et al., discloses the identification holder being formed from a sheet (see col. 5, lines 23-66).

Regarding claim 7, Zapawa, as modified by Moeller et al., discloses the identification holder being formed from a pocket (see the above rejections to claim 1).

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Regarding claim 8, Zapawa, as modified by Moeller et al., discloses at least a portion of the identification holder being transparent (see col. 5, lines 61-66).

Regarding claim 9, Zapawa, as modified by Moeller et al., disclose the identification holder being removably fastened to the second sheet by adhesive (88) on an edge of the identification holder as set forth in the above rejections to claim 1 (see figure 5).

Regarding claim 10, Zapawa, as modified by Moeller et al., discloses the identification holder including transparent plastic (see col. 5, lines 62-66).

Regarding claim 11, Zapawa, as modified by Moeller et al., discloses the identification holder being configured such that a personal identification document fits at least partially within the holder (the holder is a ticket holder and, therefore, holds documents) and the wherein the personal identification document is at least partially visible (since the holder is made of transparent material, the document would be visible therethrough).

Response to Arguments

5. Applicant's arguments filed September 30, 200 have been fully considered but they are not persuasive.

Applicant argues that Zapawa, as set forth in the previous Office action (mailed July 2, 2004) fails to disclose at least a portion of the first sheet extending beyond the second sheet to at least partly support a document placed in the pocket and having a portion extending beyond the pocket.

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The examiner asserts that, as presently claimed, first sheet (82 located near element 81) does extend beyond the second sheet to support the document 83 placed in the pocket as set forth in the above rejections and as seen in figure 5 of Zapawa.

Applicant argues that Moeller et al. is in no way related to the field of applicant's endeavor, nor reasonably pertinent to the particular problem with which the inventor was concerned.

The examiner maintains that Zapawa discloses the claimed invention as set forth above except for explicitly disclosing the pressure sensitive adhesive being repositionable or removable. Moeller et al. is used to provide such a teaching. Moeller et al. disclose that it is known in the art of binding that pressure sensitive adhesives may be permanent, removable or repositionable (see col. 4, lines 21-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Zapawa's invention to include the pressure sensitive adhesive being removable for removably fastening the identification holder to the pocket, as taught by Moeller et al., so that the identification holder can be easily separated from the ticket holder to be presented for identification verification.

For the reasons as set forth above, the rejections are maintained.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (571) 272-4475. The examiner can normally be reached on Monday-Thursday (6:00 AM - 3:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 18, 2005


MONICA S. CARTER
PRIMARY EXAMINER

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REPLACEMENT SHEET

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Approved
me
5/3/05

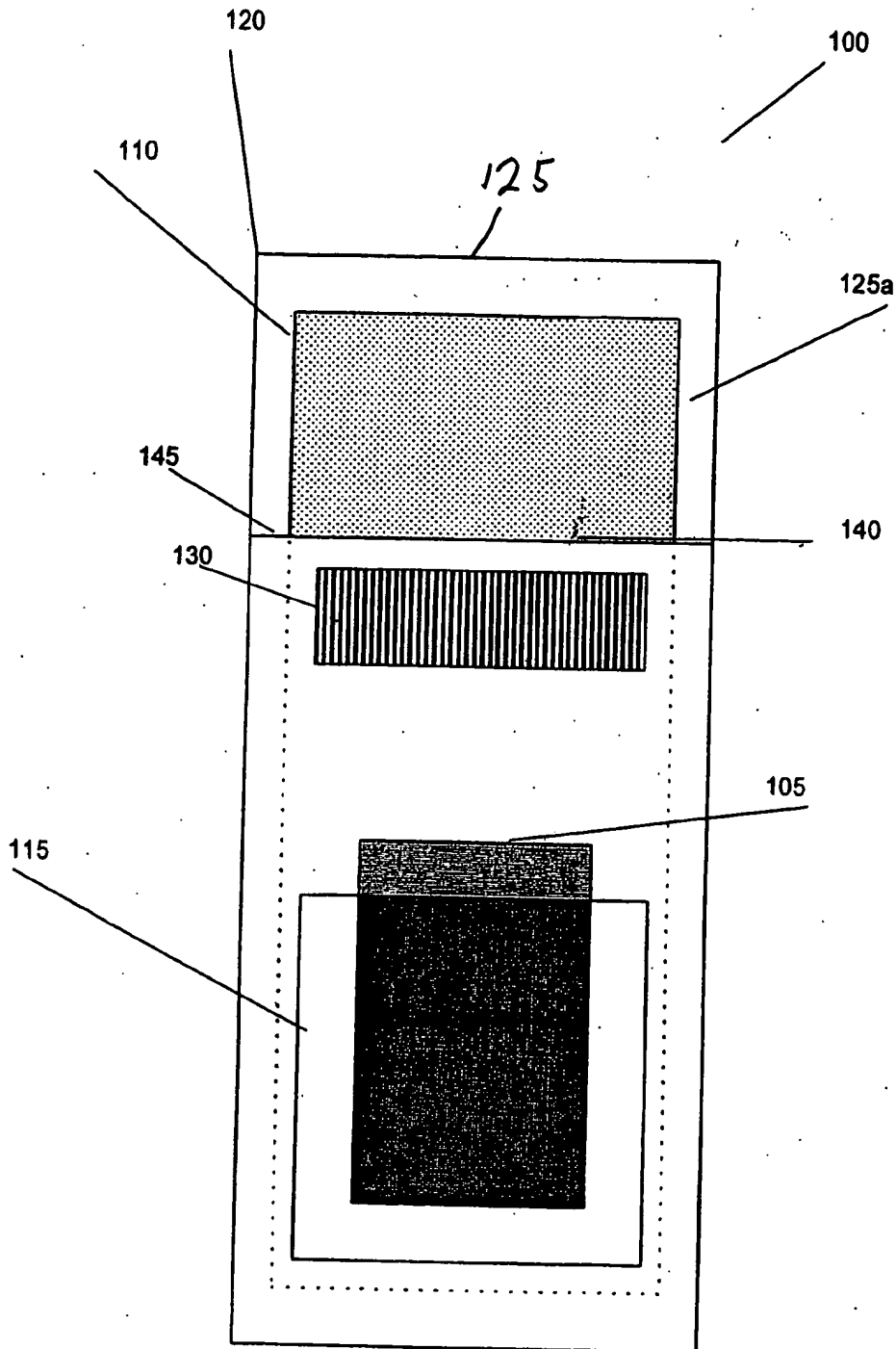


Figure 1

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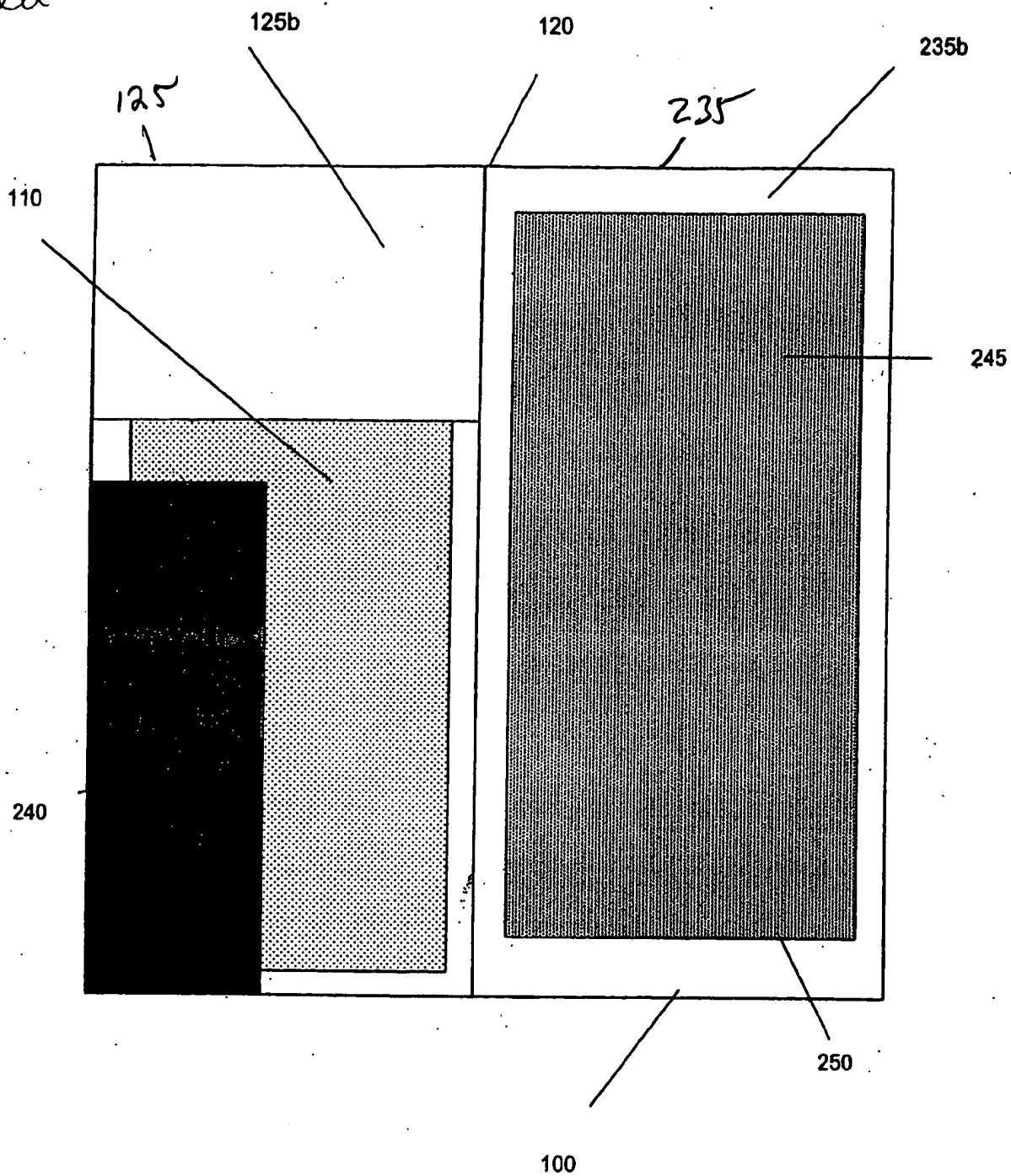


Figure 2

REPLACEMENT SHEET

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MC
5/3/05

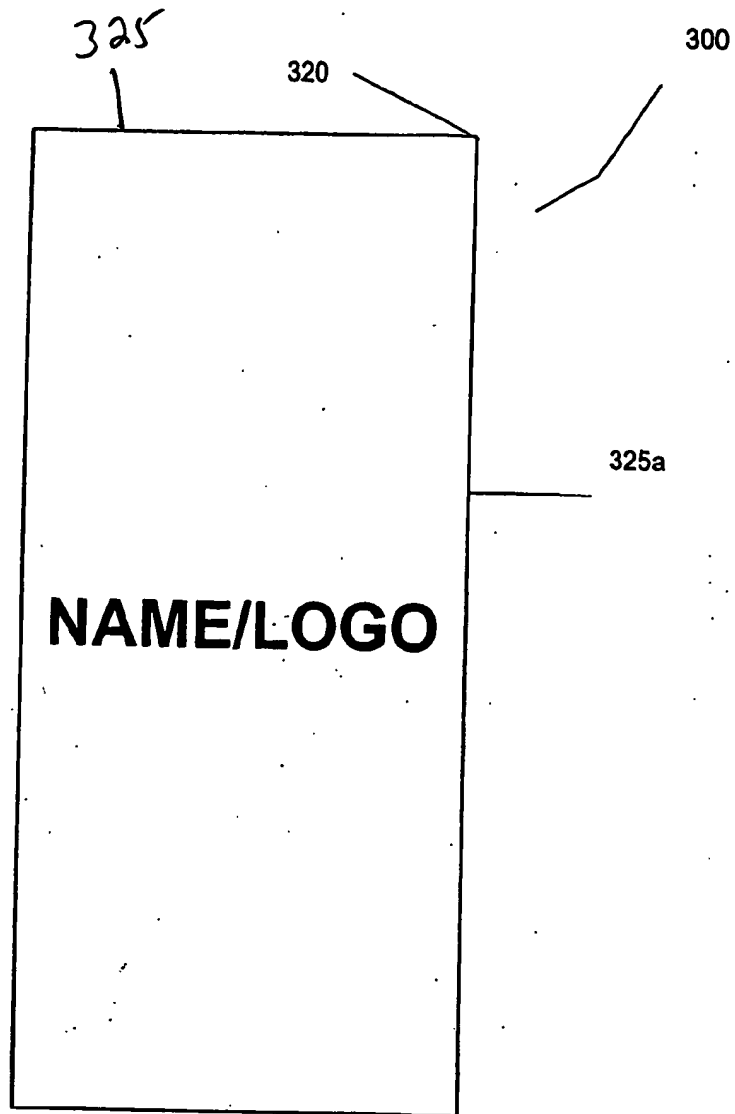


Figure 3

REPLACEMENT SHEET

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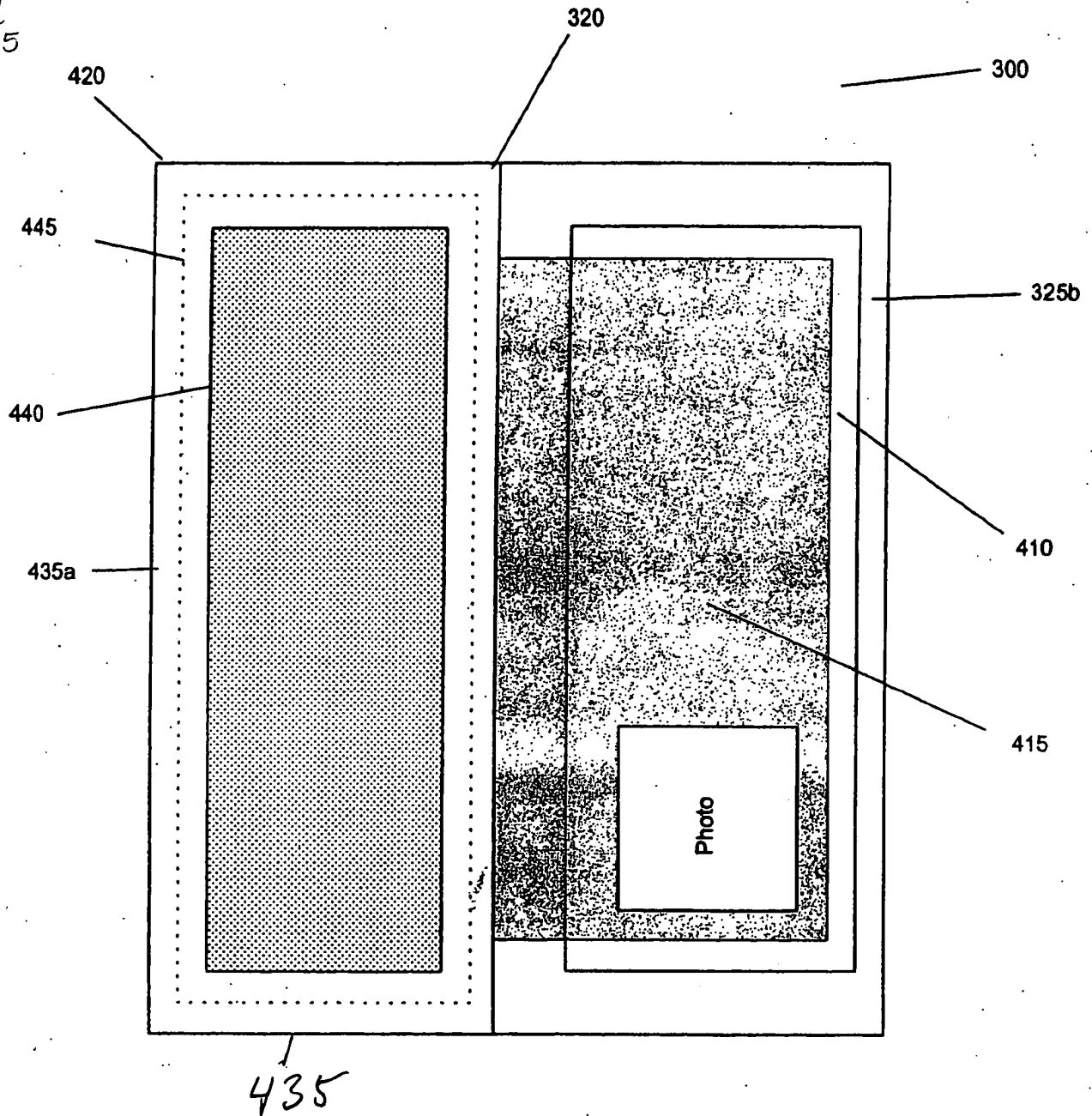


Figure 4

REPLACEMENT SHEET

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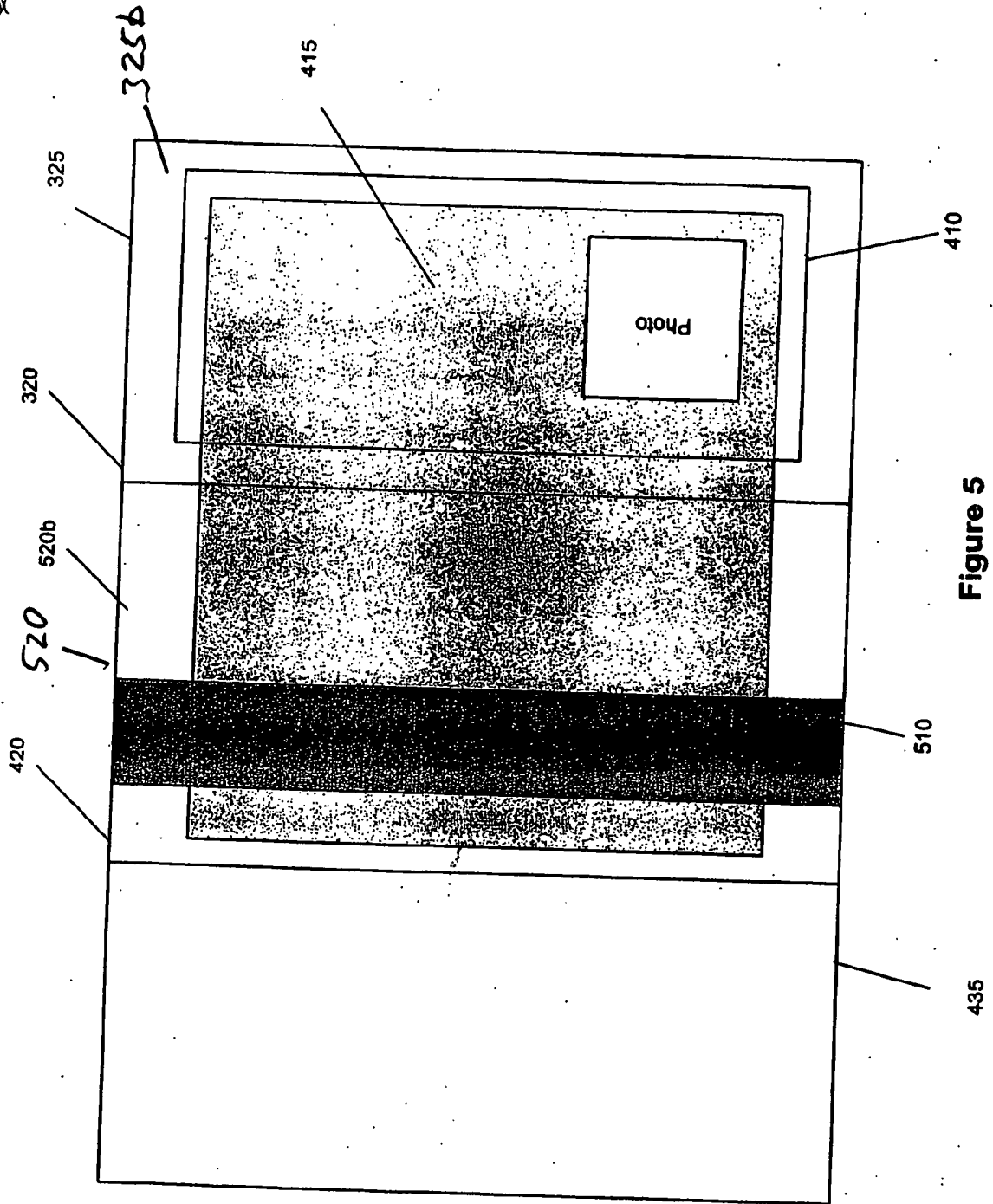


Figure 5